

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C 20554

MAY 10 2004

OFFICE OF
MANAGING DIRECTOR

Jeff Gehman
Treasurer/Controller
Blue Ridge Cable Technologies
613 Third Street
Post Office Box 215
Palmerton, PA 18071

Re: Blue Ridge Cable Technologies, Inc.
Fiscal Year 2003 Regulatory Fee
Fee Control No. 0403228340230003(A)

Dear Mr. Gehman:

This is in response to your request dated March 15, 2004, filed on behalf of Blue Ridge Cable Technologies, Inc. (Blue Ridge) for an abatement and waiver of the \$29,176.30 late charge penalty for late payment of the fiscal year (FY) 2003 regulatory fee. Our records reflect that Blue Ridge paid the late charge penalty.

In your request, you state that Blue Ridge has been in the cable business since 1951. You state that the company's "process for payment of the regulatory fees relied upon receipt of the appropriate forms[,] which the company did not receive for FY 2003. You state that as soon as your "accountants realized that the forms were not released," Blue Ridge "corresponded with the FCC and obtained the forms from the website." You state that Blue Ridge's untimely filing of the FY regulatory fee was the result of the company not being aware of the public notice issued by the Commission "indicating that cable companies would [not] receive public notices for the fees this year[.]"¹ You state that the late filing of the regulatory fee "demonstrated the flaw in [y]our system of relying upon receipt of the forms . . . [and you therefore] have changed [y]our practice for next year[.]"

¹ See *Public Notice, FY 2003 Assessment and Collection of Regulatory Fees, Additional Guidance and Clarification*, 2003 WL 22136284 (released: Sept. 17, 2003) (stating that "[i]n an effort to streamline the collection of regulatory fees, the FCC did not mail public notices this year to thousands of regulates, [but that a]s in previous years, all information regarding payment of FY 2003 regulatory fees will be available on the FCC website: www.fcc.gov/fees/regfees."; also stating that "[a]s a pilot project to simplify the notification process, the FCC sent postcards to all licensees and permittees of media services (excluding broadcast auxiliaries) to inform them that FY 2003 regulatory fees were due no later than September 24, 2003 . . . [and stating that t]hese postcards were not intended to replace any of the Commission's existing procedures for paying regulatory fees, including the requirement to submit Form 159.").

The Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. Your request does not indicate or substantiate that Blue Ridge met this obligation. Although Blue Ridge may have relied upon receiving certain forms from the Commission in paying the company's regulatory fees, this does not support a waiver of the late charge penalty. The Commission clearly stated that licensees such as Blue Ridge were required to pay FY regulatory fees by the payment deadline (September 25, 2003) or be subject to a late charge penalty for late payment of the regulatory fee. *See Assessment and Collection of Regulatory Fees for Fiscal Year 2003, Report and Order*, 18 FCC Rcd 15985, 15998 (2003) (*FY 2003 Regulatory Fee Report and Order*); *Public Notice, Federal Communications Commission Extends the Filing Deadline Date of FY 2003 Regulatory Fee*, 18 FCC Rcd 18748 (released Sept. 22, 2003) (*FY 2003 Regulatory Fee Public Notice*). Both of these documents were placed on public notice by publication in the Federal Register.² In addition, as we noted earlier, FY 2003 fee payment information was made available on the FCC website. Therefore, your request for a waiver and refund of the late charge penalty for late payment of the FY 2003 regulatory fee is denied.

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer

² See *FY 2003 Regulatory Fee Report and Order*, 68 Fed. Reg. 48446 (2003); see also *FY 2003 Regulatory Fee Public Notice*, 68 Fed. Reg. 53609 (2003).

0403228340230003(A)



BLUE RIDGE CABLE
TECHNOLOGIES®

A Pencor Company

Corporate Office: 613 Third St., P.O. Box 215, Palmerton, PA 18071

March 15, 2004

Claudette E. Pride, Chief
Revenue and Receivables Operations Group
Federal Communications Commission
Washington, DC 20554

RE: Bill No. 0320001137
Blue Ridge Cable Technologies, Inc. Late Regulatory Fee Payment

Dear Ms. Pride:

Blue Ridge Cable Technologies, Inc respectfully requests an abatement and waiver of the late payment penalties assessed in the amount of \$29,176.30.

Blue Ridge has been in the cable business since 1951 and is current on all taxes and fees. Our process for payment of the regulatory fees relied upon receipt of the appropriate forms. We did not receive the forms this year. As soon as our in house accountants realized that the forms were not released, we corresponded with the FCC and obtained the forms from the website. This delay caused us to miss the September 25th deadline and consequently made payment eight days late. A copy of the return receipt dated October 3, 2003 is enclosed.

Unknown to us at the time, the FCC released a Public Notice on September 17, 2003 indicating that cable companies would receive public notices for the fees this year in an effort to streamline the collection of regulatory fees. This change in past practice demonstrated the flaw in our system of relying upon receipt of the forms. We have changed our practice for next year and the late payment will not happen again.

Payment for the late fee has been made to the PO Box 358340, Pittsburgh PA and we respectfully request abatement of that fee.

Very truly yours,



Jeff Gehman
Treasurer/Controller

JG/clk

Enclosure

Phone: (610) 826-2551

FAX: (610) 826-7626

E-Mail: brct@ptd.net

MAR 23 2004

Bill Processing

Document Number 0320001137

FRN 0009694852

Blue Ridge Cable Technologies, Inc.

F1 NEXT

F9 EXIT

BILL EXISTS - YOU ARE IN MODIFY MODE - PRESS F9 TO EXIT

RANIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number 0320001137

FRN 0009694852 Blue Ridge Cable Technologies, Inc.

Bill Date 10/16/03 Bill Amount \$29,176.30

Bill Type FINE Bill Paid \$29,176.30

Bill Due Date 11/15/03 Bill Balance Due \$0.00

Dunning Indicator Bill Cycle Interest Due \$0.00

Referral Code Waiver Penalty Due \$0.00

Print Seq # 00007658 Waiver Date Admin Chg Due \$0.00

Transaction Date 03/29/04 Acct Period 06 Total Due \$0.00

Bill Description Assess penalty for late regulatory fee

Line Item Sequence 001 BFY FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code 2004 06 90 9500 065 0199

Product No. 0399 Quantity 1 Item Amount \$29,176.30

Document Status Item Paid \$29,176.30

Transaction Code Item Balance Due \$0.00

Reference Type Reference No. 0310158835169001 Line 001

Bureau File No. 20

Item Description payment not received by 09/25/03

Fy Days 360 Rate 3.00

F1 NEXT F2 PREV F3 VERIFY F4 CRM F5 SAVE F6 BACK F9 EXIT

AR012-A
3/29/2004
11.32.21

RAMIS ACCOUNTS RECEIVABLE - (C) DSG, Inc
RECEIPTS DETAIL REPORT
SORTED BY TRANSACTION DATE, CD No , FEE CONTROL No.

PAGE 1
3/29/2004
11:32:21

CD No	CD DATE	FEE CONTROL NO	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
560940	3/22/04	0403228340230003A	0009694852	Blue Ridge Cable Technologies,	3/25/04	\$29,176.30

Billing No 0320001137 Seq 1 Call Sign: FCC Code 1: FCC Code 2. Tin Number.
PTC. 0399 QTY: 1 Applied Amt. 29176 30

Applicant Name:
Address:

Total Applied. \$29,176.30 Total Receipt: \$29,176 30